

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Michael Potter

v.

Case No. 12-cv-302-SM

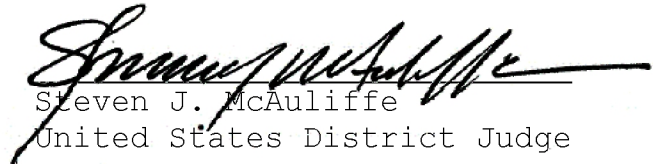
HP Hood, LLC.

ORDER

Re: Document No. 5, Motion to Dismiss for Failure to State a Claim

Ruling: Granted, without prejudice. The state court writ is vague and cryptic, does not plainly or clearly plead the recognized elements of the causes of actions asserted, and, specifically, fails to state a claim for wrongful termination under applicable New Hampshire law and fails to state a claim for intentional infliction of emotional distress under applicable New Hampshire law, essentially for the reasons given in defendant's legal memoranda in support of its motion to dismiss. See e.g. Smith v. F.W. Morse & Co., Inc., 76 F.3d 413, 426 (1st Cir. 1996); Tessier v. Rockefeller, 162 N.H. 324 (2011). While the plaintiff's objection is remarkable for its lack of analysis of, or even reference to, applicable and controlling law, still, plaintiff ought to be afforded an opportunity to file an amended complaint, in federal form, which he may do within 30 days of the date of this order. Failure to do so will of course result in dismissal of the action. So ordered.

Date: March 8, 2013


Steven J. McAuliffe
United States District Judge

cc: Bruce Marshall, Esq.
William E. Hannum, III, Esq.